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the power were not anxious to encourage inquiry into its origin or conduct. The rewards of honor and emolument which now stimulate the author, the professional man, and the politician, were then lavished on the successful artist.

When the whole state of society shall be so changed, that such minds as can build castles of feudal magnificence out of the curiosity of their readers, or force their way to fortune and the highest places of the state by the eloquence of the bar or of the senate, shall find it more for their interest to cultivate the arts ; when a painter can be made a cardinal, as a novelist has been made a noble ; we may expect a revival of painting. Until then, neither academies, exhibitions, nor patronage can renovate it. Genius will not now consent to be patronized ; it has felt its power to lead and to command. It will no longer devote itself to arts that subsist by the favor of the great ; it seizes greatness for itself as its own birthright and prerogative. Painting must henceforth degenerate, if it be not already degenerated, into a mere ornamental art. It is no longer the language of invention. Compared with the power of the press, it is like pantomime to speech. Those who will still pursue it, must do so purely from the love of the pursuit ; but if they can resist the temptations of ambition, and forego the rewards of fortune, perhaps they will find at the end that life has been as well and happily spent in the study of the beauty of nature, and the labor of imitating it, as in struggling in other paths for wealth or popular applause. As a profession, it has these advantages over many others ; that the labor itself is a pleasure ; and that the exercise of it is, to a well-regulated mind, a continual contemplation of the power and benevolence of the Creator, who has filled the universe and the mind of man with the elements of beauty.

ART. VI.—*The Americans, in their Moral, Social, and Political Relations*. By FRANCIS J. GRUND. From the London Edition of Longman, Rees, Orme, Brown, Green, & Longman. Two Volumes in One. Boston. Marsh, Capen, & Lyon. 1837. 12mo. pp. 423.

THE people of the United States are like persons surrounded by mirrors. They may catch their likeness from

every quarter, and in every possible light, attitude, and movement. We have heard, — and our authority is no less than that of the elder President Adams, — of what is called a *pouting room* in France ; the apartment being of an octagonal form, and all the sides, as well as the ceiling over head, of the most polished mirrors ; so that a person standing in the centre may see himself in every direction, multiplied into an indefinite vista of selves, as far as the eye can reach. Into such a focus of reflections, it is said, the gallant gentlemen of the most chivalrous portion of Europe cast an unfortunate lady whose temper has escaped her control, dooming her simply to the reflection of her own countenance. We, in this country, seem to dwell in a great pouting-room, wherein different nations and languages are the mirrors. Turn we as we may, we catch our reflected features ; the vista seems to lengthen at every sight. In England it stretches on with multitudinous images ; and other countries return the likeness.

The American character and institutions have become a great staple of English literature. Books relating to them have formed, for the last ten or fifteen years, the most prominent portion of that well-thumbed and dog-eared division of the circulating library, which seems to have such attractions for people of all periods of life ; we mean books of travels. If the United States should be suddenly blotted out of existence, or should disappear, like the ephemeral Juan Fernandez, beneath that ocean which is now poured round them, we can hardly imagine in what new direction the English travellers, who take notes for the press, would turn their footsteps. Curiosity seems satisfied, or at least silent, with regard to the extended plains of Asia, and the races of men, who, with their mighty works, have been obliterated from the earth ; and it is with difficulty aroused, even by the mute antiquities of Egypt ; while Greece and Italy, the sacred lands of classic story, and in short all Europe, have so often fallen under the pen of the traveller, that the interest of the public in them seems exhausted. A fresher subject is found in the United States, in their unmeasured territory, with its rivers and mountains, lately or even now in the newest life of nature ; and, more than nature's works, in the institutions formed by man in the spirit of the territory, — free, untried, and gigantic.

While we have had works of this kind from the English press, of various kinds and degrees of merit, a German duke

has condescended to favor us with a dull account of his travels in the United States ; and several French writers have discussed our character and institutions with candor, impartiality, and ability. Among the latter is De Tocqueville, whose work we do not despair of seeing republished in this country ; and who, among all, of any nation, who have written about the United States, stands forward *facile princeps*. In Prussia, we have understood that Dr. Julius, whose visit will be remembered with pleasure by many of our readers, is now preparing for the public the results of his observation during his tour.

The present work is by a German, after a residence of many years in the country. It originally appeared in England ; and has since been republished, with slight alterations, among us. We have been informed that it has been translated into the German language, and already passed through no less than three editions in that tongue. It is not a little remarkable that, while the author was preparing a translation, another appeared in a different part of Germany from a different pen ; no feeble token of the merits of the work, and of the literary activity of that great country. Pursuing, then, the allusion with which we commenced, we may call this work a mirror of transcendent magnitude, held up to the multitudes of England and Germany.

In approaching the consideration of its merits, we are struck with the singular correctness, force, and often eloquence of the style, in which it is written. The style would do high credit to any native, and to the manner born ; in a foreigner it seems wonderful. We could hardly believe that it was the production of one whose early days were spent in the sound of another language, if we did not know that the author was a German ; for we are mindful of the old saw, that a German has a tongue for every language. Mr. Grund seems to have obtained a mastery, almost perfect, over the English. One might read his work, and, unless his suspicions were aroused by previous knowledge of the author, or the suggestion of another, hesitate to pronounce it the production of other than a native. So remarkable is it in this respect, that we are reminded by it of the feats of Politian, whose Latinity was thought to rival that of Cicero. The idiom of our language, which is often so subtle, and eludes the grasp of the severest study, Mr. Grund uses with great, and almost unfailing accuracy. An English critic has said that he has scarcely ever

offended in this particular, except when he attempts poetical versions from Schiller or Goethe. A few signs occur in the progress of the work, which show that the author saw things sometimes through a different medium from his readers. Thus, in the London edition, the term "meat-pots" is used for the well-known phrase from the Bible, "flesh-pots"; a form of speech which the author has altered in the American edition. The word "compare" is constantly used at the bottom of the page to indicate a reference, instead of the word "see"; the former word being the literal translation of the German *vergleichen*, which is the word used for this purpose by writers in that language.

Some passages in the present work are of remarkable eloquence; and the style is uniformly precise and intelligible, abounding in energetic expressions, yet without liveliness; brilliant, yet often heavy. There is nothing about it light and airy, as if dashed off by a stroke of the pen; but all seems constructed with care and weariness. Neither is there about it any of the interest of a personal narrative, or of sketches of scenery and men. In these the author has ventured only when it was necessary to illustrate the various relations of the people, moral, social, and political, which was the distinct subject proposed by him, and which is of indefinite comprehensiveness. Every topic of manners, opinions, prejudices, government, and civilization, naturally arises in the review of these relations. *Quicquid agunt homines, nostri est farrago libelli*. Besides, this review is often intermingled with apt historical reflections, and particularly with comparisons with things in Germany, sometimes by way of contrast, which, as is not unfrequently the case with such efforts, are often carried too far.

The author says, that he has anxiously endeavoured to give an impartial account of the present condition of the United States, and faithfully to delineate those characteristic features, which distinguish the Americans from the different nations of Europe. And he adds, that the object of his publication will be attained, if it serve to inspire the English with more just conceptions of American worth, and increase the respect and friendship of America for England. A work written with such views does not address itself to any vulgar prejudices, and can, of course, succeed only by the judgment of intelligent readers. Abuse, caricature, and con-

demnation, have become a condiment almost essential, to make a book of travels relish ; a truth which Sam Weller appears to have been well aware of, when he endeavoured to prevail upon his incarcerated master, Mr. Pickwick, to commit a breach of the prison, and to flee to this country ; “ then let him come back,” says Mr. Weller, “ and write a book about the ‘ Merrikins,’ as ’ll pay all his expenses and more, if he blows ’em up enough.” That Mr. Grund has not, in the language of Mr. Weller, blown us up, is certain, upon a perusal of his work ; but it is not quite so clear to us, that he was not wiser than Mr. Weller, and that he did not anticipate that excessive eulogy would be little less attractive than condemnation, while, unlike the latter, it could give no personal offence. We would not venture to carry this suggestion further, lest we should do the author grievous injustice. And charity would lead us to suppose, what is so agreeable to our national vanity, that the terms of praise, constant and often exaggerated as they seem, are justified by our character and institutions. But Mr. Grund does not confine his eulogy to America. He embraces England within its powerful charm. He extends the not very dainty dish with one hand to John Bull, and with the other to his brother Jonathan, who is, for the most part, unused to such moods of gentleness.

It would be difficult to find terms which could carry the English character further than the following paragraphs.

“ It is true, there are ample apologies for the conduct of the English. They are really, in most respects, superior to other nations, and especially to their neighbours on the Continent. They enjoy, in the first place, a greater degree of political freedom than any other people, save the Americans, in the world. They have produced the ablest statesmen, the wisest legislators, and (with few exceptions) the bravest and most skilful commanders of armies and navies. Their philosophers have been the glory of the human mind, and have wrested more truths from nature than all other sages combined together. They can boast of the most manly and classical literature of the moderns, and may, perhaps, add that there is not a valuable thought which the human mind is capable of conceiving, which is not already, and most happily, expressed in the English language. They have surpassed all other nations in the mechanic arts, and have become equally superior in every thing relating to manufactures. They have increased the facilities of commerce, by the establishment of powerful colonies, and have (with proba-

bly but one exception) distinguished themselves for the humanity and justice with which they have governed them. They have carried the blessings of civilization and religion wherever they went, and established, in every clime, the glory of the British name."—p. 59.

"One of the greatest advantages enjoyed by the Americans, and which can never be sufficiently taken into consideration, consists in their being descended from the greatest and most enterprising nation in Europe. America, in her very cradle, was the child of freedom; wrapt in chartered rights and immunities. She was the offspring of a strong, healthy, well-conditioned mother, who was determined not to spoil her by foolish caresses, but rather hardened her constitution by premature exposure. To the noble blood of her mother, she joined the superiority of education obtained in the school of adversity; and to the attachment of her parent to liberty, the sturdy love of independence.

"The English have bestowed more blessings on humanity, by the establishment of their colonies, than any other nation in the world. To whatever quarter they have transferred their laws and institutions, they have contributed to improve the condition of the human race. The French, the Dutch, the Spaniards, and the Portuguese have also established colonies; but these have never risen to political importance. They were no nurseries of freedom, but administered only to the sordid cupidity of their parents. Even in achieving their independence they fall into wreck and ruin; and the sickly progeny of diseased parents can hardly survive their sires. Compare to this the active vigor of the British Colonies; their legislative assemblies; their administration of justice, and the liberty of the press established in most of them!"—pp. 154, 155.

The spirit of the book is one of kindliness. There is in it a tone of good-humor, even where the author undertakes to censure. Indeed, there is something more; there is an air of advocacy, which is constantly manifest. This broad country, with its schoolhouses and churches, and various institutions, seems placed at the bar, and Mr. Grund appears as counsel for the defence. Against Mr. Hamilton he has particularly directed his defensive attack. The work of this writer on "Men and Manners," is treated as the bill of indictment, in which are set forth the high offences of which we stand charged. In many instances an importance, scarcely justified by the circumstances, appears to be given to the assertions of this traveller; and Mr. Grund, in his reply to them, becomes as angry as is consistent with his nature.

If there be an American, with soul so dead as to be discontented with his native land, he may feel his patriotism revive, as he reads the earnest and argumentative eulogies of a cosmopolite, like the present author. Disposed to think well of our home and its institutions, as we are, and little inclined to despair of the republic, we are free to confess, that our love of country received a new impulse, and our confidence in its prospects gathered new strength, from these pages. The character of the people of the United States, social, moral, and political, is here subjected to a minute analysis, and the elements of strength, from which it is composed, are displayed. This is not, however, accomplished by any single picture, but it appears from the whole work. Every page discloses something of fact, or illustration, or argument, which goes to make up the final result.

To a foreigner, who is interested in the country, Mr. Grund's work will be of great value, from the amount of information which it conveys. No other work, within our knowledge, presents a view so complete, of our resources in every department of life. Facts are accumulated, and statistical tables are presented, which give it very much the appearance of a topographical survey. The author not unfrequently indulges in speculations, but he never forgets to introduce the facts and tables which bear upon the subject. For this we are obliged to him, since it is placing before the public abroad, the surest means of judging us according to our merits. And this he has been able to do in a very satisfactory manner, as he had been for many years a resident in the United States. He was no tourist, who dedicated his summer rambles to this continent, or literary hack, who left his home in order to gather some fresh materials for the press. He was a citizen, who had for years observed the operation of our institutions; who had left his father-land in early life, and devoted the affections of his manhood to his adopted country; who had mingled in its society and business, and had felt the harsh alternations of its summers and winters. By birth a German, and, from circumstances, considerably conversant with the character and institutions of other nations, he has been able, at the same time that he wrote with the heart of a native, to make those observations which would hardly occur except to a foreigner. His work, moreover, is calculated to recommend liberal institutions, and to

vindicate the practical working of our system. In this point of view, it is a contribution to the great cause of freedom.

Mr. Grund is a thorough democrat. He upholds the cause of the many against the few, and takes every opportunity to enforce the importance of religious and political freedom. The latter, he estimates as the two most prominent moral causes which promoted the trade of Holland and the United States. We know of no work, that has appeared for a long period, which will be more interesting than the present, to those of all countries engaged in the cause of human rights. And yet, while using these terms of commendation, we would not be understood as subscribing to all that he has written on this subject. As Americans, living under a constitution made and sustained by the people, in whose breath is all political power, we cannot doubt the rights of the people. In any honest advocacy of these rights, we shall be ever ready to join. No cause is more sacred, or more intimately allied with the progress of man. History is full of testimony in its favor. Past generations, which have descended to the tomb, all unconscious of the invigorating air of freedom, warn us, by the voiceless story of their wrongs, against surrendering ourselves to be governed by others. And the extended prosperity which has always attended the establishment of political privileges, diffusing itself, with life-giving power, over every department of human thought and action, encourages us to persevere in this cause, and to strive after a universal recognition of

“ Well-tempered liberty,
The last and largest boon to social man.”

In Mr. Grund's zeal for the people, therefore, we find no occasion for dissent. But we do object to the alloy of party views and considerations, which is intermingled with it. Mr. Grund is a devoted friend to the past and present administrations. On this account, however, we have no quarrel with him. He is welcome to his political partialities or prejudices. But he has done injustice to himself, and been false to truth, by allowing them to influence his opinions. The difference between him and De Tocqueville, the masterly French writer on the democracy of America, is at once apparent. The Frenchman has surveyed our institutions from the serene heights of an unprejudiced philosophy, and produced a work,

which, in brilliancy, condensation, and pregnant sense, will rank with the *Spirit of Laws* of his great countryman. The German has chosen the humbler elevations, afforded by the political party to which he was attached, and seen objects more or less invested with the mists and smoke of earth. It is on this account, that, while we concede to Mr. Grund the highest praise for knowledge of his subject, and the general ability with which he has handled it, we hesitate to give him our confidence. We feel perpetually that he has something more in view than directly meets the eye, and that secret undercurrents are at work beneath the unruffled surface of his page.

The author has taken several occasions to exhibit his personal partiality for General Jackson. One of the most striking is as follows ;

“ Universal suffrage has been decried as leading to anarchy, and thence to despotism. General Jackson had already been represented as the future dictator of the republic. How have these predictions been verified ? The democratic party have developed more union and strength than any previous one in power. They have reconciled the south with the north, and preserved the integrity of the Union. They have, in every instance, upheld the law, and subjected States and individuals to the proper authority of Congress. They have, at the same time, abstained from any undue and unconstitutional interference with the internal regulations of the States, and procured justice for all that were injured. They have made the government respected abroad, and obliged even the most powerful nations to preserve peace and good faith with the United States. In short, they defeated their antagonists at home and abroad, and inspired universal confidence in the safety and stability of American institutions.

“ And what has become of the dictator ? He is indeed yet the idol of the people, whose interests he endeavoured to protect by every act of his military and political life ; but he is retiring from office, as all his predecessors, with no other personal gratification than the affections of America and the admiration of Europe. He will leave to his successor the example of his virtue, and a government established on liberty and justice.” — pp. 410, 411.

We should do injustice to Mr. Grund, if we did not relieve him from some of the force of our last remarks, by explicitly stating, that on the subject of credit and the currency, he

has taken ground different from that occupied by the late and present administrations. The advantages of the American system of credit are treated of with great force of argument and illustration, and with a philosophical perspicacity. The character of the American merchant, so much vilified of late, meets with distinguished commendation at his hands.

“An American merchant is an enthusiast, who seems to delight in enterprise in proportion as it is connected with danger. He ventures his fortune with the same heroism, with which the sailor risks his life; and is as ready to embark on a new speculation after the failure of a favorite project, as the mariner is to navigate a new ship, after his own has become a wreck. An American carries the spirit of invention even to the counting-room. He is constantly discovering some new sources of trade; and is always willing to risk his capital and credit on some *terra incognita*, rather than follow the beaten track of others, and content himself with such profits as are realized by his competitors. This is undoubtedly the cause of a great number of unfortunate speculations and subsequent failures; but it constitutes also the technical superiority of the American merchant over the European. He is an inventor, not an imitator; he *creates* new sources of wealth instead of merely *exhausting* the old ones. Hence his vigilance and application. The ordinary routine of business is not sufficient to ensure his success; he must think, invent, speculate; for it is more by ingenuity and foresight, than by the regular pursuit of trade, that he can hope to realize a fortune. None of the present French or Dutch fashions of trade would now prosper in the United States. Fortunes there are not made by small savings, but by large and successful operations. It is not by hoarding money, but by employing and investing it, that property accumulates in America; and the inexhaustible riches of the country open daily a thousand new roads to industry and commerce.” — pp. 240, 241.

The author continues his remarks on the character of the American merchant, in the same strain with what we have just extracted. Lorenzo de' Medici could hardly have received a more elaborate eulogy. The enthusiasm, with which our merchants enter upon their undertakings, and venture their fortunes, and upon which Mr. Grund has remarked, is in strong contrast with the monotonous work-day character which belonged to them in the earlier stages of civilization. The spirit of chivalry, which once possessed a single class of society, is now diffused, with considerable uniformity, through

all sorts of men ; and its manifestation, in the enterprise and generosity of the merchants, is not more noticeable than it is gratifying.

For the North American Indians, the melancholy relics of the powerful races, who once occupied the valleys and hill-tops where we have fixed our seats, Mr. Grund has little or no sympathy. He speaks of them with a cold indifference, which might well become a speculator in their lands, but which we should not expect from an accomplished foreigner, in whose bosom the springs of justice and humanity were still to be found. His views with regard to them are fully expressed in the following extract.

“ Let no sensitive European, therefore, complain of the barbarous cruelty of the Americans in chasing the Indians from the soil of their fathers, or in forcing them to flee from the approach of civilization, to the unhospitable woods of the western territory. The American aborigines, with but very few exceptions, never possessed the soil on which they trod, any more than the air which they breathed. They never cultivated it to any extent, nor had they, individually, any distinct title to it arising from actual labor. They held it in common with the beasts of the forest, and it was useful to them only as it afforded them the means of prey. The English had as good a right to call the ocean their own, because they moved on it, as the American Indians to claim possession of their continent because they roamed in its woods. There was barbarity in the conquest of Lima and Mexico, the inhabitants of which were already in possession of many of the arts of peace ; but there can be none in the quiet progress of civilization in the United States, except what is provoked by the Indians themselves, and for which they alone must remain accountable. The American settler takes possession of a soil which has never been cultivated, and which, therefore, has had no owner. He builds his log-house in a country in which there is room enough for the support of millions, and in which there are hardly a few hundred stragglers to follow the track of the deer. Is this robbery ? Is it cruel to civilize and improve a country, and to open a new road to wealth and comfort to thousands of intelligent beings from all parts of the world, who would otherwise starve or be reduced to poverty, because in so doing they cannot avoid intruding on the favorite hunting-grounds of some wandering tribes, and disturb their game ? This, however, they do ; and, with the deer, the American aborigines disappear from the soil.

“ It is in vain to talk of civilizing them. If it could be done,

which is more than doubtful, (considering the many unsuccessful attempts which have already been made,) they would hardly be able to compete with their teachers in any one human occupation calculated to secure a livelihood in a civilized country, and would, therefore, from necessity, become outlaws to society, and incur the punishment of the law. We cannot but regret the fate of that doomed people; but we can hardly think of rescuing them from it, without being guilty of the most flagrant injustice to the rest of mankind.

"The power arising from the actual cultivation of the soil, and the establishment of fixed habitations in a country, is so irresistible and unsparing, that it must eventually triumph over all obstacles, and resist even the destructive consequences of wars. This is the reason why the British colonies in America prospered so rapidly, and finally finished by swallowing up Canada. The *military* force of the French settlements was vastly superior to that of the English; their lines of fortification extended from the mouth of the Mississippi to the river St. Lawrence; but they had no possession of the intervening territory by virtue of actual settlements, and the result soon convinced them, that where the most property is accumulated, there also will be the strongest means of defence; on that side, consequently, must eventually incline the victory. But if the policy of the Anglo-Americans was sufficient to destroy so powerful a rival as the French, what can be expected from the unconcerted, ill-advised resistance or attack of the aborigines, unskilled in military tactics, and not sufficiently strong, on any one point, to offer a serious impediment to the grasping power of the settlers?

"Neither is it reasonable to suppose, that the quitting of their favorite hunting-grounds can give the American Indians the same pangs which an everlasting farewell to the paternal soil, the scene of all early attachments, and the habitation of all that we love, fraught with the memory and tradition of centuries, can cause to a civilized nation. The Indians quit what never was precisely their own; they leave no object of memory or tradition behind; and, although the loss may be felt by the *tribe*, no *individual* is actually despoiled of his own. But it is the feelings of individuals which we must here consider; not that of the tribe or nation. A people cannot be said to feel the wrongs and pains inflicted upon it by another, except in proportion as the sufferings of the whole are felt and responded to by individuals. This, however, presupposes a degree of moral development, and a pitch of national enthusiasm, of which even history is sparing in furnishing us with examples, and of which

certainly but few traces are to be found in the Indian character. Let no one mistake the *hatred* which the colored races bear to the whites, and to each other, for a strong love of country, and an attachment to their native woods. Hatred of others is but a negative and barbarous qualification of nationality, and is by no means a necessary concomitant of its positive virtues. The hatred between the different races is something animal and instinctive, and is far removed from the noble disinterestedness of genuine patriotism. Whatever color poetry may lend to the removal of the Indians, it is, nevertheless, but the removal of a sick bed from a place where death is certain, to one from which it is more remote. Neither is it the death of youth or of manhood, but that of old age and decrepitude, which the Indian is doomed to die; and in his mouldering ashes germinates the seed of empires, destined to change the face of the world. This is but applying the universal law of nature to man; there is no life without death to precede it; no seed without destroying the blossom; no offspring without destruction to its genitors. One nation must perish to make room for another; and it is the peculiar good fortune of America, that she can suffer these revolutions to go on without a feverish excitement of her vitals, or hurrying the succession of events by the horror and bloodshed of war." — pp. 225 – 228.

This is a hard-hearted picture. The unsoundness of its argument upon the right of the poor Indian to the territory of his fathers, is as marked as its inhumanity. If the Indian has no right, why does our government go through the mockery of purchasing his lands, exchanging blankets for acres; why did William Penn, that man of peace, enter into amicable negotiations with the occupants of the forest, and treat with them for permission to rest his head on their lands? The possession of the Indian is not indicated by the clear and distinct appropriation which a maturer civilization has introduced as the criterion of property; but it is, in the eye of the law, and by the usage of nations, sufficient to support their title. An English officer, cruising in distant seas, plants the flag of his queen on some newly discovered territory, and the folds of that flag, as it freshly kisses the breezes of a new land, proclaim the title of the discoverer, though he has not left a man or a gun to guard it from indignity. If the new-found land were worth keeping, we feel confident that her majesty's government would not abandon her title, on the ground that they never possessed the soil in question, any

more than the air which they breathed, — the ground taken by Mr. Grund with regard to the Indians. "The English," says our author, "had as good a right to call the ocean their own, because they moved on it, as the American Indians to claim possession of their continent because they roamed in its woods." The difference between the two cases is very palpable. The English, indeed, moved on the ocean; but other people did also. By the law of nations, the ocean was a great high-way, common to all the world. But there were certain seas, over which England claimed exclusive control; not, however, because she had subdued each wave to her will,

"Ipsam compedibus qui vinxerat Ennosigæum,"

and reduced to complete possession their changing waters; but, because their situation around her coast exposed them particularly to the assertion of her dominion, and seemed to render her power over them necessary to her protection. It is very clear, that the Indians reduced to possession the territory over which they hunted, with as much distinctness as the English ever did the four seas. We will not urge a comparison further, to which we have been led by the illustration of the author, and in order to answer that, rather than by its intrinsic justice.

Mr. Grund thinks, that it is in vain to talk of civilizing the Indians; and, though he cannot but regret the fate of that doomed people, yet he can hardly think of rescuing them from it, without being guilty of the most flagrant injustice to the rest of mankind. Again, he does not think it reasonable to suppose, that the quitting of their favorite hunting-grounds can give them the same pangs, which an everlasting farewell to the paternal soil, fraught with the memory and tradition of centuries, can cause to a civilized nation. Here is a specious argument, to justify the arbitrary course which has been adopted with regard to the Indians. As if their attachment to the sites of their council-fires, and the earth, which covers the bones of their fathers, was not as lively and strong as that of a civilized people to the durable monuments of their country. The pathless forest has its well-known tracks for them; the favorite haunts of the buffalo and elk are all registered in their memories; and the course of the stream which waters their hunting-grounds, is one of their cherished recollections. To be compelled to renounce these, is to be

torn from what is truly their country, — from those objects, to which their earliest attachments were directed, and about which their most valued traditions have gathered. We have little confidence, that the refined love of country, which is the offspring of an advanced state of society, is stronger in its attachment to the soil, than the untutored feelings of these artless denizens of the forest.

In another part of his work, Mr. Grund says, that the Americans, as a nation, notwithstanding the occurrence of popular disturbances, have a great respect for the law; adding, that it is the common interest of all, which requires submission to the law; for it is the majority who are offended, when an insult is offered to the government. This is a very plausible theory, but we fear that it must fall before the stubbornness of facts. We should hesitate to believe, that, in any country to which civilization has extended, where “bells have knoll'd to church,” within the space of the last four years, there have been so many acts, not simply in violation of law, but of the most aggravated and fiendish outrage, as in these United States. Our ears are pained by the continued report of riot, conflagration, bloodshed, and murder. The flames, which consumed the Ursuline Convent at Charlestown, and, at midnight, scattered its tender inmates in every direction for charitable shelter, had hardly died away, and its blackened walls were still standing as a monument of a deed of atrocity almost without parallel in history, when some people at the South, assuming the solemn functions of the law, deliberately put to death five human beings, because engaged in practices at which the people of the place were rightly displeased, but which were of little importance compared with the “deep damnation of their taking off.” In another quarter, a poor negro is put to death by the cruel torture of the fagot, and the fires of Smithfield are revived at the command of the citizens of a republic. And even now, while we write, the report of a cold-blooded outrage has reached us from the western confines of our country. An American citizen, a husband and father, has been cruelly murdered in the lawful defence of his property from the violence of an armed mob. In view of occurrences like these, it does not become an American to boast of the submission to law, as a national trait; and he may well survey with anxiety the prospects of that form of government, under which such outrages can take

place with impunity. It was the beautiful remark of the ancient Greek philosopher, that that government was the best, under which an injury to a single citizen was resented as an injury to the state. And, when we consider that the object of society, and of the state, which is its creature, is to afford protection to the persons and property of its members, we may observe the condensed truth which is contained in this remark. Tried by this test, our government, with all the apparatus of freedom, must fail. In the deep shame for these outrages, every citizen who loves his country should participate. Neither can he venture to tax them upon any particular section of the country. There is no State which can cast the first stone. The shame of Massachusetts should find an answering look in that of Mississippi and Missouri. Well would it be for our character in history, if national penitence could wipe away the blot of these transactions.

Viewing this subject so seriously as we do, we have been unable to read Mr. Grund's account of it without the greatest pain. It is as follows ;

"There exists but one practice in the United States, which seems to be at variance with what I have thus far advanced ; and yet, upon further consideration, I am almost inclined to consider it as a part of the common law of the country. I would refer to the 'Lynch law,' of which the most brilliant accounts are furnished in the British papers. The Lynch law of America, it must be remembered, is not a child of democracy ; it is of a much more ancient and illustrious origin, and occurs already in the early history of the colonies. It was begot in those happy times, in which religious customs took the place of the law ; and in which the ingenuity of the settlers recurred to the simplest means of obtaining the most summary justice. It is, in fact, of a patriarchal nature, having for its motto the wisdom of Solomon, — 'Do not spare the rod.' The pilgrim fathers, who settled the New England States, were a highly religious people, — with whom the authority of the elders of the Church was of more avail, than any positive law of Great Britain, which, from its distance, and the manner in which it had been abused into an instrument of oppression, had considerably lost its force. Their little community was more governed by mutual agreement and consent, than by any written code, except that to which their ministers pointed, as leading the way to salvation. The Bible furnished them with precedents of the cheap, easy, and salutary correction of flogging ; and there was no reason why their legis-

lators should have attempted to improve upon the wisdom of Moses.

"The custom being once introduced, and found expedient, was gradually increased in severity as the rigid morals of the puritans began to relax; until, towards the American Revolution, when abuses had reached their climax, the original method of 'tarring and feathering' was substituted for the more lenient punishment of the rod. The commencement being made with the excisemen in Boston, was soon imitated in the other provinces; and being at first employed in a patriotic cause, created a universal prejudice in its favor. It became a national custom, which, as far as I remember, was only used in cases more or less directly affecting the people. Thus, whenever an individual gave a national insult, or did or practised any thing which threatened the peace and happiness of the people, they resorted to it as a domestic remedy; but I am quite certain not with the intention of opposing the regular law. They only resorted to it *ad interim*, till the regular physician could be called in; and in most cases effected a *radical cure*, without paying for the attendance of the doctor. In this manner the Lynch law was executed on gamblers, disorderly persons, and latterly also on a certain species of itinerant ministers, who, a little too anxious for the emancipation of the Negroes in the Southern States, had betaken themselves to preaching the doctrine of *revenge*, instead of that of the *atonement*, and thereby forced the good people, to apply the doctrine to those, who evinced the most zeal for its propagation. But, as I have said before, the Lynch law is not, properly speaking, an opposition to the established laws of the country, or is, at least, not contemplated as such, by its adherents; but rather as a supplement to them, — a species of *common law*, which is as old as the country, and which, whatever may be the notion of 'the *learned* in the law,' has nevertheless been productive of some of the happiest results. I am aware there are different versions of the origin of 'Lynch'; but the above will be found to contain the essence and philosophy of all." — pp. 178 – 180.

If the above be intended for irony, it is in very bad taste, besides being very poor in its way. We would not do the head or the heart of the author the injustice to suppose that it is offered as a serious argument.

There are other portions of the present work where we do not agree with the author, though on all occasions we acknowledge the ability with which his views are maintained. Error never stood forth in a bolder panoply than that with which he

has invested it. But we are unwilling to occupy more space in contest with it.

Those parts of the work which relate to the fine arts and literature, are essays of remarkable power and beauty. The principal artists and writers of the country are passed in review, and criticized with great force, as well as general correctness. The remarks on painting, manifest considerable familiarity with the subject. We should be glad, if our extracts had not already extended to such length, to present these to our readers. But we cannot forbear quoting some passages from the reflections on American literature.

“ America was civilized in her very origin. The early settlers felt, thought, and believed as their brethren in Europe ; or, at least, did not differ from them sufficiently to create permanent distinctions. The people who obstructed their progress, and whom they conquered by arms, were not sufficiently powerful to call for an extraordinary demonstration of valor. It was not an expedition of Argonauts in quest of the golden fleece : it did not even partake of the military glory of the conquest of Mexico. The American Indians were a degraded race, without history, memory, or tradition. They seem to have been the remnants of a once powerful people,* whom a general plague or a series of internal wars had reduced to the condition of the most abject wretchedness. There was no renown attached to their subjugation ; it was the victory of intelligence over the barbarism of savages. No poetry, therefore, attaches to the conquest of the American soil, and the history of it is only remarkable from its conjunction with that of Europe. It was the oppression of Europe, which settled the American wilderness ; it was the resistance against Europe, which introduced America into the ranks of nations. Previous to that period, America had been a European province, and its history an appendage to that of England. America enjoyed the *political* existence of a nation, before it had an *historical* one by geniture. No mythological fable is blended with her origin. Her children are not descended from the gods or the sun ; they are pious Christians, who, from simple colonists, have at once risen into a powerful national independence. Had the American Indians, at the time of the European settlements, been a strong, organized nation, who, by amalgamating with the colonists, would have tintured the manners of the settlers, and in turn received the superior arts of

“ * Their religion, rites, and even their bravery, seem to warrant this conclusion.”

civilization, then a national literature, essentially different from the English, might, perhaps, have arisen from the conjunction; but it would have been that of the Indians, and not of the settlers; it would have retarded the progress of independence for centuries, and, in its stead, given birth to another system of vassallage.

"Another means of levelling national distinctions, consists in the propagation of learning. The man of science belongs to no country, and has no prejudices except in favor of those who are his superiors in knowledge. In the common course of nature, the arts precede the sciences in every country, as poetry comes before prose; in America alone, the sciences have preceded the arts, and thus *raised the nation beyond the tender susceptibility of fiction*. — Rousseau's motto,

‘*Plus qu'on raisonne moins qu'on aime,*’

applies not only to man, but also to Nature. The poetry and awe with which Nature inspires an untutored mind, are no concomitants of the demonstrative reasoning of mechanical philosophy; and her terrors cease to be sublime, when disarmed by the discovery of Franklin.* The sciences, which teach us to subject nature to human will, are most destructive of the imagination; and the universe itself appears pitiable in the shape of an orrery. Even the most profound researches of mathematical analysis diminish the *poetic* grandeur of the heavens, by reducing the infinite and boundless, to the computation of the ‘*infinitely small*.’

‘How immeasurably great, how infinitely sublime are the heavens!
But the spirit of *littleness* pulled even heaven down.’†

"The Americans, as a nation, cannot be said to be inferior in science to any people in Europe; for not only are its most useful branches more generally diffused and applied in the United States than either in England or France, but also the most abstruse departments of knowledge are cultivated and improved by men of competent talents. Their number, assuredly, is not as great as in Europe; but still they exist, and are sufficient to imprint a character on the nation. But men of science, as I have remarked before, belong to no country, and are, in themselves, incapable of giving a *national* impulse. They may excite emu-

"* What can be more averse to poetry, than the thunderbolt of Jove made harmless when caught by a lightning-rod."

"† 'So unermesslich ist, so unendlich erhaben der Himmel!
Aber der Kleinigkeitsgeist zog auch den Himmel herab.'

"SCHILLER'S *Poems*."

lation, and contribute to the developement of intellect ; but they cannot create such lasting distinctions and peculiarities, as we are in the habit of claiming for the national literature of a people.

“ America has not passed through the different stages of civilization, each of which leaves its historical monuments and a distinct impression on the people. There was no community of religion, and hardly of feeling, previous to their common resistance against England. It was the genius of liberty which gave America a national elevation ; and it is to this genius, therefore, we must look for national productions. It is the bond of union, the confession, the religion, the life of Americans ; it is that which distinguishes them above all other nations in the world.

“ But the genius of liberty, though it has chosen America for its permanent dwelling, overshadows, also, a portion of Europe. England, France, and Germany, are roused by its summons ; and the poet of Europe, inspired by the same muse, kneels at the same altar, and worships the same God. Thus, the Americans, instead of being a distinct people, have become the representatives of liberty throughout the world. Their country has become the home of the banished ; the asylum of the persecuted ; the prospective heaven of the politically damned. Every people of Europe is represented in the United States ; every tongue is spoken in the vast domain of freedom ; the history of every nation terminates in that of America.

“ But this gigantic conglomeration, while it prognosticates the future sway of the United States, while it promises to revive the history of all ages and of every clime, is, nevertheless, one of the principal causes why America possesses, as yet, no national literature. Yet there is sufficient of English leaven in this enormous mass, to penetrate even its uttermost particles. The fructifying principle is everywhere visible, and the fruits are not tardy of coming. But the seed is English, though the soil and climate may give it a different developement.” — pp. 105 – 108.

The last part of this extract is of unusual eloquence, both of thought and language. In the anticipations in which the author indulges with regard to the literature of this country, we join with pride and cordiality. “ All other nations,” he says, “ have conquered by the sword, and their traces were marked by ruin and desolation ; America alone vanquishes her foes by civilization, and marks her course by moral and religious improvements. There is poetry in her national developement, and the settlements of her early colonies.” It

may be observed, that in literature and science, the Americans are as yet the imitators of Europe. But for how many years, we would ask, did all Europe imitate the ancients, receiving from them the forms of expression, and the rules of thought and investigation? Centuries elapsed before Galileo discovered; before Bacon promulgated, or rather enforced by his recommendation and example, the new philosophy, and before Shakspeare wrote. A people does not suddenly change its character, political or literary. The influence of the past is stronger than that of the present; and we must wait till our national character has settled into the permanent shape, which properly harmonizes with the magnificent scenery in which we are placed; till traditions have accumulated, and the history of our own continent sufficiently fills the mind, without allowing it to wander, for dearth of interest here, to the opposite shores of the ocean. Then may we expect new fountains of literature and intellectual effort to be opened. The inspiring genius of our institutions may preside over the forms of statuary, and the breathings of the canvass. The poet's lyre may sound a higher strain than has yet been reached; and the tongue of the orator burn with a more powerful eloquence. Another forest-born Demosthenes may

“With thunder shake the Philip of the seas;”

and the muse of history may find a great and untried theme in recording the progress of liberal institutions and the career of a free people.

ART. VII. — *Reports of Cases Argued and Adjudged in the Supreme Court of the United States, January Term, 1837.* By RICHARD PETERS, Counsellor at Law, and Reporter of the Decisions of the Supreme Court of the United States. Volume XI. Philadelphia; Desilver, Thomas, & Co. 1837. 8vo. pp. 674.

THIS last volume of the published decisions of the Supreme Court of the Union is one of unusual, and, in certain respects, even of singular interest. Such it must surely be to those, who as general jurists, and as lovers moreover of constitutional jurisprudence, — those, that is to say, whose pur-